

REMARKS

Claims 1-18 are pending in the present application. Claim 19 has been previously canceled. Claims 1, 2, 4-6, 8-11, 13, and 17 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 6,559,775, to King. Claims 3, 7, 12, 14, and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over King in view of U.S. Patent No. 6,147,597 to Facory. The Applicants respectfully traverse the rejections for the reasons stated below.

Amended claim 1 recites:

A method of actuating a remote control access system in a motor vehicle comprising:
at a detection device positioned in a motor vehicle, the vehicle having at least one component being operated by a wired control system:
detecting an actuation of the at least one component of the motor vehicle without interconnection with the wired control system of the motor vehicle; and
transmitting a control signal to the remote control access system in response to detecting the actuation.

In contrast, King does not teach detecting the actuation of a vehicle component as recited in claim 1. Specifically, the only vehicle component mentioned in King is an engine 51. In the King system, sensors 42, 44, and 46 are used to detect the presence of objects in various zones outside the vehicle and are not used to detect the operation of the engine 51. In other words, King teaches nothing about detecting vehicle component activation (e.g., a headlamp being activated or a window being opened), but only detects whether some object has entered a zone outside the vehicle.

The Office Action admitted that King does not teach the actuation of a vehicle component. However, the Office Action stated that "it would be obvious to the skilled artisan to recognize the device of King can also generate a signal based upon the detection of an event

(e.g., actuation of at least one component of a motor vehicle) as desired.” The Applicants respectfully disagree with this assertion. There is no suggestion or motivation in the King reference that it could or should be modified as stated in the Office Action since the King reference is solely concerned with detection of objects outside the vehicle. The fact that a reference can be modified does not render the claimed combination obvious. Absent a motivation or suggestion for the modification, obviousness is not established. See MPEP Section 2143.01. Consequently, since there is no suggestion or motivation for making the modification, claim 1 is allowable for this additional reason.

Even if a component actuation were somehow possible in King, this detection could not be accomplished without interconnection with engine control system, in contrast to claim 1, which recites that no such interconnection exists. Specifically, the sensors 42, 44, and 46, and the engine 51 are directly wired to a controller 30. The only way to detect engine operation in King would be to directly connect to the wires connecting the engine 51 to the controller 30. Consequently, any detection of the component operation would necessarily require an interconnection with the wired control system (i.e., controller 30 and wires to the engine 51).

For at least these reasons, it is believed that claim 1 is allowable over the King reference. Claims 2 and 3 depend upon claim 1. Since claim 1 is allowable, it is believed that claims 2 and 3 are also allowable.

Amended claim 8 is an apparatus claim with recitations similar to claim 1 and it is believed claim 8 is allowable for the same reasons as claim 1. Claims 9-12 depend directly or indirectly upon claim 8 and since claim 8 is allowable, it is believed claims 9-12 are also allowable.

Claim 4 recites the detection of the actuation of a vehicle component. As mentioned with respect to claim 1, King does teach or suggest this step. Consequently, it is believed claim 4 is allowable over claim 1. Claims 5-7 depend upon claim 4. Since claim 4 is allowable, it is believed that claims 5-7 are also allowable.

Claim 15 is an apparatus claim with recitations similar to claim 4 and it is believed claim 15 is allowable for the same reasons as those give with respect to claim 4. Claims 16-18 depend upon claim 15 and since claim 15 is allowable, it is believed claims 16-18 are allowable.

In view of the foregoing, Applicant submits that the application and drawings are in condition for allowance. Applicant further submits that the amendments made herein are fully supported by the originally filed specification. The Commissioner is hereby authorized to charge any additional fees

Application No. 10/663,321
Reply to Office Action of October 18, 2005

Attorney Docket No. 78927

which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,

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